

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

Third Regular Session

HOUSE BILL NO. 5845



Introduced by **CONGRESSMEN ALBERT S. GARCIA**
JESUS CRISPIN C. REMULLA and **EDUARDO C. ZIALCITA**

EXPLANATORY NOTE

Republic Act 8550, otherwise known as the "Philippine Fisheries Code of 1998" was enacted, among others, to provide the proper framework on the utilization, management, development, conservation and protection of our marine resources to be able to achieve food security. In order to attain it, the Philippine Fisheries Code has declared various prohibited activities and forms of illegal fishing. Section 88 of the said law specifically prohibits fishing through explosives, noxious or poisonous substance and/or electricity. It also provides penalties in violation thereof, including the confiscation and forfeiture of the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment, and also the catch.

However, RA 8550 limits such confiscation and forfeiture of fishing equipment and fishing vessels to the following:

1. Poaching in Philippine waters by foreign vessels (Section 87)
2. Fishing through the use of explosives, noxious or poisonous substances and electricity (Section 88)
3. Coral exploitation and exportation (Section 91)
4. Ban on Muro-Ami, other methods and gear destructive to coral reefs and other marine habitat (Section 92)
5. Illegal use of superlights (section 93).

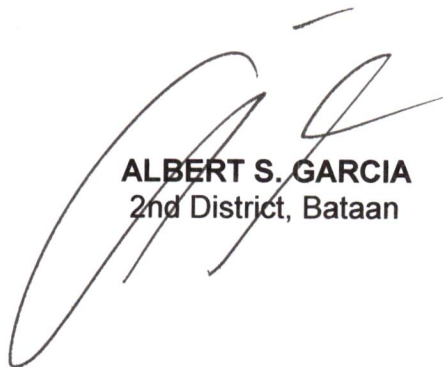
Ironically, the most abused provisions of the law, namely, commercial fishing in municipal waters, the use of fine mesh nets and the active fishing gear are not subjected to the penalty of forfeiture of fishing vessels and equipment. The employment of the same does not only destroy marine life but it ravages

marine ecology as well. In addition, marginal fishermen are deprived of their livelihood as they cannot compete with commercial fishing vessels.

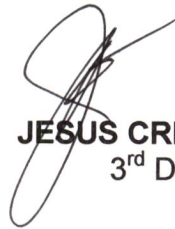
It is the purpose of this proposed bill to subject the use of fine mesh net and the use of active fishing gear to the penalties of forfeiture and confiscation of fishing vessels and equipment in the same way that the use of explosives, noxious and poisonous substances and/or electrical devices are penalized with forfeiture and confiscation of the fishing vessels, fishing equipment and catch in favor of the province with jurisdiction over the case.

Also, this bill proposes that the vessel, proceeds and instruments or tools used in other various unauthorized fishing activities be confiscated and shall not be released until the termination of the case and in cases of conviction that the same be forfeited in favor of the province with jurisdiction over the case. It is high time that we make this effort to amend RA 8550 so that illegal fishing in the country will be effectively curbed.

In view of the foregoing, immediate passage of this bill is earnestly sought.



ALBERT S. GARCIA
2nd District, Bataan



JESUS CRISPIN C. REMULLA
3rd District, Cavite



EDUARDO C. ZIALCITA
1st District, Parañaque


jvr/drbc

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

Third Regular Session

HOUSE BILL NO. 5845

Introduced by **CONGRESSMEN ALBERT S. GARCIA**
JESUS CRISPIN C. REMULLA and **EDUARDO C. ZIALCITA**

AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8850,
OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998,
PROVIDING FOR THE CONFISCATION AND FORFEITURE OF
FISHING VESSELS, FISHING EQUIPMENT AND CATCH USED IN
VARIOUS UNAUTHORIZED FISHING ACTIVITIES
PARTICULARLY COMMERCIAL FISHING IN MUNICIPAL WATERS, THE USE
OF FINE MESH NETS AND THE USE OF ACTIVE FISHING GEARS,
CAUSING THE CONFISCATION AND FORFEITURE IN FAVOR OF THE
PROVINCE WITH JURISDICTION OVER THE CASE OF THE VESSELS,
PROCEEDS AND INSTRUMENTS USED
IN ALL ILLEGAL FISHING ACTIVITIES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Paragraph 5 Section 88 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998 is amended to read as follows:

Sec. 88. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity.-

(5) In all cases enumerated above, THE APPREHENDING OFFICER SHALL LIKEWISE IMMEDIATELY SEIZE, IMPOUND AND TAKE POSSESSION OF THE FISHING VESSEL, TACKLE AND APPURTENANCES THERETO, AS WELL AS THE EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES, THE CATCH AND OTHER TOOLS AND THE PROCEEDS OF THE OFFENSE. ALL THESE SHALL BE CONFISCATED AND SHALL NOT BE RELEASED UNTIL THE

TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 2. Section 89 of Republic Act 8550 is hereby amended to read as follows:

Sec. 89. *Use of Fine Mesh Net.* – It shall be unlawful to engage in fishing using nets with mesh smaller than that with which may be fixed by the Department: *Provided*, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, *tabios* and *alamang* and such species which by their nature are small but already mature x x x.

x x x

THE FINE MESH NET, FISHING VESSEL USED IN THE ABOVE-CITED UNLAWFUL ACTIVITY, AND THE CATCH SHALL BE CONFISCATED AND FORFEITED. THE FINE MESH AND THE FISHING VESSEL SHALL BE CONFISCATED AND SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 3. Section 90, number (3) of the same Act is hereby amended to read as follows:

Sec. 90. *Use of Active Gear in the Municipal Waters and Bays and Other Fishery Management Areas.* - x x x

Violators of the above prohibitions shall suffer the following penalties:

(1) x x x

(2) x x x

(3) The ACTIVE FISHING GEAR USED IN VIOLATION OF THIS SECTION AND the catch shall be confiscated and forfeited. THE ACTIVE FISHING GEAR SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN

FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

(4) COMMERCIAL FISHING ACTIVITIES CONDUCTED WITHIN MUNICIPAL WATERS SHALL CAUSE THE VESSELS TO BE CONFISCATED AND SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 4. Section 92, paragraph 2 of the same Act is hereby amended to read as follows:

Sec. 92. Ban or Muro-Ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. - x x x

x x x. The catch and gear used shall be confiscated. THE GEAR USED SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 5. Section 98, PARAGRAPH 2 of the same Act is also hereby amended to read as follows:

Sec. 98. Capture of Sabalo and Other Breeders/Spawners. - x x x

x x x and forfeiture of the catch, and fishing equipment used and revocation of license. THE FISHING EQUIPMENT USED SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 6. Section 101 of the said Act is further amended to read as follows:

Sec. 101. Violation of Catch Ceilings. - x x x and forfeiture of the catch, and fishing equipment used and revocation of license. THE FISHING EQUIPMENT USED SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE.

SECTION 7. Paragraph 4, letter (e) Section 103 of Republic Act 8550 is further amended to read as follows:

Such proceeds and instruments or tools shall be confiscated and SHALL NOT BE RELEASED UNTIL THE TERMINATION OF THE CASE AND IN CASES OF CONVICTION THE SAME SHALL BE FORFEITED IN FAVOR OF THE PROVINCE WITH JURISDICTION OVER THE CASE, unless they be the property of a third person not liable for the offense, but those articles which are not subject of unlawful commerce shall be destroyed.

SECTION 8. All laws, decrees, orders or rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 9. This Act shall take effect upon its approval.

Approved,